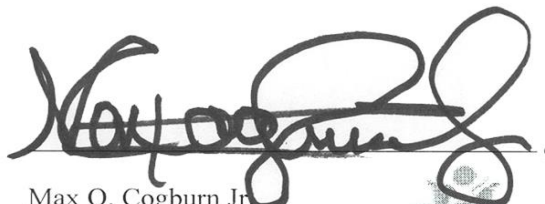


Since no Answer was filed and the Motion to Dismiss (#6) was filed November 21, 2018, plaintiffs have until approximately December 12, 2018, to unilaterally file an amended complaint. That filing would, automatically, moot the Motion the Dismiss, requiring no Court intervention as the filing of an amended complaint renders an initial motion to dismiss moot, as it is well-settled that an amended pleading supersedes the original pleading, and that motions directed at superseded pleadings are to be denied as moot. See Young v. City of Mount Ranier, 238 F.3d 567, 572 (4th Cir. 2001) (“As a general rule, ‘an amended pleading ordinarily supersedes the original and renders it of no legal effect.’”) (citing Crysen/Montenay Energy Co. v. Shell Oil Co. 226 F.3d 160, 162 (2d Cir. 2000)); Turner v. Kight, 192 F. Supp. 2d 391, 397 (D. Md. 2002); 6 Fed. Prac. & Proc. Civ. § 1476 (3d ed. 2015) (“Once an amended pleading is interposed, the original pleading no longer performs any function in the case and any subsequent motion made by an opposing party should be directed at the amended pleading.”).

ORDER

IT IS, THEREFORE, ORDERED that to the extent that plaintiffs have included a Notice in its Response, plaintiffs are directed to consider Rule 15(a), as discussed above, so as to avoid incurring unnecessary expense.

Signed: December 7, 2018



Max O. Cogburn Jr.
United States District Judge